Interview Summary: Superintendent Robert Bernier (Ottawa Police Service)

Superintendent Robert Bernier was interviewed by Frank Au, Mark Pritchard, Eric Brousseau, and Misha Boutilier on August 25, 2022. Questions about this summary should be directed to Frank Au.

Background

Superintendent Bernier has been a member of the Ottawa Police Service (**OPS**) since 1994. He was certified in 2000 by the Royal Canadian Mounted Police (**RCMP**) as a public order commander, received an Initial Critical Incident Commander (**ICIR**) certification in 2011 at the Canadian Police College, received Bronze and Silver certifications in Major Civil Disorder Management in the United Kingdom in February 2012, and received a further critical incident commander (**CIC**) certification in 2017 after completing a four-week course offered by the Ontario Provincial Police (**OPP**). He has served in OPS's surveillance unit, as an OPS public order commander, in the OPS Command Centre, (which supports all OPS operations in Ottawa) and as a Platoon Duty Inspector in charge of police operations for 4 years. When the Freedom Convoy arrived in Ottawa, Superintendent Bernier oversaw the communications branch within the OPS Information Directorate at the Inspector Rank. In that capacity, he oversaw the 911 call centre, the dispatch service, and the OPS Command Centre.

Superintendent Bernier has experience commanding responses to public order events and other major events in Ottawa. In 2011, he devised and executed a public order plan to remove Occupy Ottawa protestors from Confederation Park. He also served as ground commander for the OPS response to the October 22, 2014 attack on Parliament Hill by Michael Zehaf-Bibeau, as public order commander for the 2016 North American Leaders Summit, and as Incident Commander for the September 2018 Dunrobin tornado. Since 2017, Superintendent Bernier served as CIC for 48 critical incident calls, including demonstrations. He acted in a commander position twice per year on training exercises to practice his command skills, and attended specialty training six times per year with a tactical unit, a public order unit (**POU**), and negotiators to keep his skills current.

Pre-Arrival Planning and Intelligence

Superintendent Bernier's Intervention at January 18 Meeting

Superintendent Bernier learned of the Freedom Convoy on January 18 during a call held by the OPS Command Centre to update the duty inspector in charge of operations on demands for service in the upcoming 8 weeks. Superintendent Bernier acted as the duty inspector and oversaw the call because the duty inspector could not attend. The following officers attended the call: Inspector Russell Lucas (Special Events), Staff Sergeant Kennedy (Special Events), Staff Sergeant Denis Hull (Traffic), Manager Pierre Lalonde

(Communications), Sergeant Jo Brownrigg (Command Centre), Inspector Michael Ryan (Traffic), Sergeant Sean Kay (Special Events), Sergeant Shawn Graham (Traffic), and Acting Inspector Sam Fawaz (Neighbourhood Policing). No representatives from the OPS Intelligence Directorate attended the call.

During the call, the presenter stated that the Freedom Convoy was travelling across Canada with a large number of trucks and would arrive in Ottawa on January 29 and attempt to take over the capitol. When the presenter moved on to the next subject, Superintendent Bernier intervened and stressed that OPS needed to start preparing for the Freedom Convoy and making decisions now. He asked what the OPS Intelligence Directorate knew about the Freedom Convoy, stated that the Intelligence Directorate and Special Events team needed to become engaged in planning for the Freedom Convoy, and that the inspectors on duty during the January 29-30 weekend needed to be engaged. His intervention was documented and the call proceeded to discuss other matters.

OPS Command Centres Engaged in Response to Freedom Convoy

Superintendent Bernier observed that OPS maintained three command centres that were engaged in planning and responding to the Freedom Convoy: the OPS Command Centre, the Service Command Centre (**SCC**), and the National Capital Region Command Centre (**NCRCC**).

Superintendent Bernier explained that the OPS Command Centre was in its infancy in early 2022 when the Freedom Convoy arrived. Its predecessor, the OPS Strategic Operations Centre, was created in 2015 to serve as an oversight and support hub for OPS policing operations that would operate 7 days per week, 20 hours per day. In late 2021, it was renamed the OPS Command Centre and elevated to an information and intelligence hub and decision-making centre. A platoon sergeant was embedded into the OPS Command Centre to enhance situational awareness, and the Centre was to conduct social media monitoring.

Superintendent Bernier explained that the SCC is a centre that OPS has used since before 2010 to support large-scale operations. SCC does not operate daily. Instead, it is activated and staffed in response to an extraordinary incident that requires the appointment of an Incident Commander. SCC is a physical room in the OPS building at 245 Greenbank Road that has computers, phones, and video screens. OPS activated SCC when the Freedom Convoy arrived in Ottawa to support operations and maintain business continuity for non-Freedom Convoy police operations.

Superintendent Bernier explained that NCRCC is a physical space in a RCMP facility in Orleans that functioned as the command post for OPS's response to the Freedom Convoy. NCRCC is a dated but large space with numerous screens that can display video footage. It operates as a forum to convene partner agencies for major events in the National Capital Region, including OPS, RCMP, Parliamentary Protective Services, National Capital Commission, Ottawa Fire Service, Ottawa Paramedic Service, and City of Ottawa representatives. OPS's Incident Commander for the Freedom Convoy,

Inspector Russell Lucas, was based at NCRCC and directed ground operations from there. Superintendent Bernier characterized NCRCC as a silver, operational-level command.

Pre-Arrival Intelligence

Superintendent Bernier noted that several OPS units were responsible for gathering intelligence on the Freedom Convoy. The Intelligence Directorate would provide a threat and risk assessment upon request by the Special Events team, but its mandate was focused on national security, terrorism, and organized crime. It generally did not gather intelligence on protests because they fell outside of its mandate. The Special Events section had a constable position tasked with examining open-source information, and the OPS Command Centre also examined open-source information. Superintendent Bernier observed that OPS did not have a formalized open-source Intelligence Directorate at the time of the Freedom Convoy, although it developed one following the Freedom Convoy.

Superintendent Bernier learned during the week of January 24 that Project Hendon, an intelligence sharing network led by OPP, was reporting on the Freedom Convoy. He was added to the Project Hendon distribution list on January 27.

When he received Project Hendon reports on January 27, Superintendent Bernier became concerned that the Freedom Convoy could cause serious disorder in the City. Specifically, he observed that Project Hendon reports indicated that protestors were planning to stay in Ottawa until their demands were met, that some of them hoped to force a change in government, that some of them held anti-government attitudes, that they were acquiring supplies along the way, and that they were bringing trucks, tractors, and heavy equipment to Ottawa.

Superintendent Bernier was not surprised that thousands of Freedom Convoy vehicles ultimately arrived in Ottawa by the weekend of January 29-30, and understood that OPS was planning for large numbers of vehicles to arrive. His understanding of the number of protestors that were likely to arrive was based on the intelligence information he was made aware of. In addition, he was informed by people he knew during the week of January 24 that farmers were clearing out massive tracts of parking space in farm fields to the west, east, and south of Ottawa to make space for Freedom Convoy trucks to park. Superintendent Bernier stated that the size of the fields was probative of how many trucks were coming to Ottawa. He passed this information onto to the Special Events team that was responsible for planning. Superintendent Bernier understood that OPS was planning for large number of vehicles to arrive because he attended meetings at which the Special Events team mentioned that it was planning to shut down the Sir John A. MacDonald and Sir George-Étienne Cartier Parkways so that Freedom Convoy vehicles could park on them.

On January 27, Superintendent Bernier shared his concerns about the Freedom Convoy with Inspector Lucas. Superintendent Bernier asked Inspector Lucas if OPS had developed mass arrest plans. Inspector Lucas told him not to worry because OPS was in

communication with Freedom Convoy organizers, that the organizers were compliant, and that the convoy would enter the downtown and then depart at the end of the January 29-30 weekend. Superintendent Bernier also asked Inspector Lucas if OPS had a public order plan, and Inspector Lucas informed him that OPS was bringing in 13 Emergency Service Unit members but not a public order unit (**POU**). Superintendent Bernier was concerned that 13 members would not be enough and asked follow-up questions.

Superintendent Bernier also shared his concerns about the Freedom Convoy with his supervisor, Superintendent Drummond, on January 27. He told Superintendent Drummond that there seemed to be a bizarre disconnect between the intelligence contained in the Project Hendon reports and OPS's preparations.

Aside from asking questions and raising concerns, Superintendent Bernier stated that he left planning and preparing for the Freedom Convoy to Inspector Lucas and the Special Events team and stayed "in his lane."

Pre-Arrival Planning

Early in the evening of January 28, Superintendent Bernier received a plan titled "Freedom Convoy Operational Plan."[1] By that time, Freedom Convoy trucks were already arriving in Ottawa. Superintendent Bernier sent the plan to the OPS Command Centre and the dispatch communications centre. He also called Superintendent Drummond, informed him that the plan appeared to be a mere traffic plan, and asked him if there was anything more to the plan. Superintendent Bernier also expressed concern that the plan contemplated permitting Freedom Convoy trucks to park on Wellington St. He acknowledged, however, that he was not privy to all information that planners and commanders may have had. Superintendent Drummond stated that the "Freedom Convoy Operational Plan" was all that he had received and that he was not aware of an additional plan.

Later that evening, Superintendent Bernier received an email attaching an additional plan titled "Freedom Convoy – Canada Unity."[2] He was asleep when the email was sent. He reviewed and circulated the plan to the OPS Command Centre and dispatch communications centre at 6:00 a.m. on the morning of January 29. He observed that the "Freedom Convoy – Canada Unity" plan appeared to be an overall operational plan rather than a mere traffic plan. Superintendent Bernier was concerned that the plan appeared to be planning for a two-day event because the Project Hendon reports indicated that protestors were intending to stay until their demands were met. Superintendent Bernier also had concerns about the "Threat Assessment" section of the plan. He observed that this section may have been impacted by the fact that the Intelligence Directorate was not

[1] OPP00004261.

[2] OPP00004262.

very involved in gathering intelligence on protests. He expressed concern that the plan lacked contingency plans if the protestors stayed after the January 29-30 weekend and blocked traffic in downtown Ottawa.

During the week of January 24, Superintendent Bernier asked Superintendent Drummond if OPS needed him to help with the Freedom Convoy. Superintendent Drummond informed him that he was not needed. When Superintendent Bernier reviewed the "Freedom Convoy – Canada Unity" operational plan, he observed that the plan did not assign him roles or responsibilities. He thus went on a pre-planned ski trip on the weekend of January 29-30.

OPS Initial Response to Freedom Convoy: January 31-February 2

Superintendent Bernier returned to work on Monday, January 31 and asked Superintendent Drummond if he could help with the Freedom Convoy. Superintendent Drummond informed him that his help was not required. Superintendent Bernier made similar offers to assist on February 1 and 2, but Superintendent Drummond again told him that his help was not required. Between January 31 and February 2, Superintendent Drummond continued to oversee the dispatch communications centre, the OPS Command Centre, and the police telephone reporting unit.

As the week of January 31 progressed, Superintendent Bernier observed that there was an understandable sense of angst at OPS. He observed that this began on January 31 when the protestors did not leave as OPS had expected. To his knowledge, OPS lacked contingency plans for a scenario in which protestors stayed beyond the January 29-30 weekend, and came under tremendous pressure from the Ottawa Police Service Board, City of Ottawa (**City**) councillors, and local communities to resolve the situation. He observed that the combination of the lack of contingency plans and the external pressure to act pushed OPS into a reactive mode. He also observed that different people at different levels of the OPS hierarchy, including at the Deputy Chief and Chief levels, were issuing tactical level directions. It seemed to him that OPS was not deferring operational decisions to an Incident Commander or Event Commander consistent with the appropriate incident command model.

February 3-10 Period

Assignment to and Role at Service Command Centre

On February 3, Superintendent Drummond assigned Superintendent Bernier to SCC to assist its commander, Inspector Debbie Palmer. By February 3, SCC was serving as a service support centre that handled staffing, logistics, procurement, planning, organizational tasks, and briefings for OPS's response to the Freedom Convoy. Superintendent Bernier arrived at the SCC on February 3 and spent the better part of the day observing the situation and learning what was going on.

At the time of Superintendent Bernier's appointment, Inspector Lucas was Incident Commander and Superintendent Chris Rheaume was Event Commander. This meant that Inspector Lucas was running the tactical operation on the ground and Superintendent Rheaume was responsible for more strategic level operational planning. Superintendent Bernier noted that Superintendent Jamie Dunlop replaced Superintendent Rheaume as Event Commander on February 4, and that Superintendent Mark Patterson replaced Superintendent Dunlop on February 6. Superintendent Bernier took steps to organize SCC's staffing processes after his appointment. SCC officers were exhausted by the demands of staffing OPS's response to the Freedom Convoy. He organized the structure of the staffing process by assigning roles and responsibilities to SCC officers and making the process more sustainable. SCC was only staffing to maintain OPS's response to the Freedom Convoy at this time, not to resolve the Freedom Convoy.

Superintendent Bernier also took steps to improve planning processes at SCC. When he arrived, there were numerous plans in circulation but many of them were not signed and it was unclear which had been approved. There were also delays in locating plans due to the lack of a filing system. Superintendent Bernier observed that the Event Commanders were not aware of what plans SCC had prepared. He noted that, during Superintendent Patterson's service as Event Commander, he was based at the OPS building at 245 Greenbank Road in Nepean and was not attending NCRCC where Incident Commander Lucas was based. Superintendent Bernier imposed structure on the planning process by designating an administrative assistant, Paula Armstrong, to serve as file coordinator, create a central repository of plans, and ensure that all plans were submitted to and reviewed and approved by the Event Commander.

OPS Use of RCMP and OPP Officers

Superintendent Bernier observed that, between February 3 and 10, OPS was using RCMP and OPP officers to relieve OPS officers who were exhausted, and not as part of a plan to end the occupation. He stated that he was aware that OPP officers were often not receiving instructions or assignments from OPS during this period.

Lack of Overall Operational Plan

Superintendent Bernier stated that, under the Incident Command (**IC**) model, the Event Commander was responsible for ensuring the development of a detailed plan with all its constituent elements. Specifically, he stated that there should be an overall operational plan with various supporting plans for specialty units, such as public order, tactical, police liaison team (**PLT**),[3] arrest, and towing plans. He stated that the operational plan should follow the SMEAC structure, namely situation, mission, execution, administration,

[3] OPP's Provincial Liaison Team is the equivalent of OPS's Police Liaison Team. For the purposes of this interview summary, PLT refers to either or both the OPS Police Liaison Team or the OPP Provincial Liaison Team, depending on the context.

command, control, and communications. By using the SMEAC structure, the plan should lay out clear instructions, expectations, and roles and responsibilities. He stated that the plan should contain a mission statement, a main action plan, and a section on objectives and commander's intent so that the mission is clear to everyone involved.

Superintendent Bernier stated that if the Event Commander did not know the overall operational plan, then officers on the ground would not either. For planned events, the operational plan and supporting plans should be prepared before the event in case there is a need to action them. If those plans were not in place because of an underestimation of the scale or risks of the event, then the Event Commander should facilitate the preparation of the plans as soon as the police force determined that it was overwhelmed.

Superintendent Bernier stated that he was not aware of any overall operational plan with various supporting plans between February 3 and February 10. Specifically, during this period, OPS lacked an overall plan to restore normalcy to Ottawa and Superintendent Bernier was not aware of any requests to prepare such a plan before February 10. Instead, SCC received requests for what he characterized as small, ad hoc plans, including plans to clear the protestor site at Coventry Road, to clear the intersection of Rideau St. and Sussex Drive, and to seize gas. None of these plans contained contingency plans for how police would respond if the execution of any one such plan backfired, caused additional protestors to arrive, or caused protestors to become violent.

Superintendent Bernier also observed that, in the absence of an overall plan, OPS prioritized low-level enforcement activities such as ticketing and fuel seizures during this period. Chief Peter Sloly and OPS's Executive Director of Strategy & Communications, John Steinbachs, were controlling OPS's messaging and were reporting statistics to the public about tickets issued and fuel seized. He characterized OPS's focus on enforcement and messaging about enforcement as an emotional response to public sentiment that OPS was not doing enough to address community concerns. He noted that he felt the enforcement messaging was counterproductive because the public realized that enforcement efforts were not causing the protestors to leave.

Development of February 9 Plan

Superintendent Bernier observed that Chief Sloly attempted to devise what he thought would be an overall operational plan on February 8-9. Superintendent Bernier participated in a February 8 3:30 p.m. call in which Chief Sloly ordered a group of OPS officers to sequester themselves in his executive boardroom and prepare a plan to end unlawful protests and restore neighbourhood safety. During this call, Acting Deputy Chief Patricia Ferguson outlined eight points and SMEAC factors that the plan should embody, and Chief Sloly stated that he was requesting 1790 officers from other police forces.

During the same call, Superintendent Bernier proposed adding an organizational chart to the plan because OPS lacked a clear organizational structure for the response to the Freedom Convoy. This proposal was approved. Superintendent Bernier stated that the

organizational chart was intended to convey that Superintendent Patterson should be making operational decisions.

Superintendent Bernier received a copy of this plan on February 9, which was titled "Phase 2.1, v. 3.0, Ottawa Truck Demo' 22" (the **February 9 Plan**).[4] The February 9 Plan incorporated the organizational chart that Superintendent Bernier prepared.[5] It also included tables listing the numbers required for maintenance staffing, enhanced staffing, and interdiction and enforcement staffing.[6] Superintendent Bernier and his SCC team supplied these numbers in response to a request for how many officers OPS required to maintain its response to the Freedom Convoy on a 24-hour basis. Superintendent Bernier indicated that the tables in the February 9 Plan did not include a tactical support element, and that it was unclear to him whether there was a mass arrest and processing plan.

Role of Chief Sloly & Interference by OPS Executive with Incident Command System

Superintendent Bernier stated that Chief Sloly was acting as the de facto Event Commander and was in fact responsible for operational decision-making between February 3-10. He characterized Chief Sloly as being the overall commander of OPS's response to the Freedom Convoy. He was not aware whether and to what extent Deputy Chief Bell was directing operational decisions.

Superintendent Bernier stated that Chief Sloly's conduct did not align with the proper functioning of the IC model. Because Chief Sloly involved himself in operational decision-making, there was no higher strategic level available to formulate strategy and liaise with the Ottawa Police Services Board, the City Council, and the Mayor while keeping an arm's length distance from operations. Superintendent Bernier observed that while the executive team was well-intentioned, their interventions went beyond their appropriate role of setting strategic, high-level expectations and eroded the Event Commander's authority.

Superintendent Bernier identified some examples of Chief Sloly acting as the de facto Event Commander and interfering with the Event Commander's role during this period. First, he referenced a Neighbourhood Enforcement Plan that he sent to Acting Deputy Chief Ferguson and Superintendent Paul Burnett on February 4.[7] That plan stated that officers were to conduct enforcement in the downtown core and "will be directed to use

[4] OPP00001889.

[5] *Id*. at PDF p. 24.

[6] *Id*. at PDF pp. 19-22.

[7] OPS00006304 (cover email); OPS00006305 (attached plan).

their discretion sparingly and only in extreme cases."[8] Superintendent Bernier indicated that this direction came from Chief Sloly and constituted a misalignment with the IC model. Second, he referenced a February 8 email exchange between himself and Inspector Lucas concerning an incident where Chief Sloly directed traffic officers to perform enforcement tasks when the then-Event Commander, Superintendent Patterson, had assigned them other responsibilities.[9] At 11:06 a.m., Superintendent Bernier emailed Inspector Lucas that "hopefully command & control chart will sink in."[10] Superintendent Bernier explained that he was referring to the organization chart he prepared that day and that he meant that Superintendent Patterson should be able to make operational decisions without interference by or contrary directions from Chief Sloly.

Impact of Public Statements by Chief Sloly

Superintendent Bernier was concerned by Chief Sloly's February 2 statement that "[t]here may not be a police solution to this demonstration." He stated that this statement complicated the police response because police were the City's last line of defence, as he did not expect that the federal government would call in the military. He stated that there was a policing solution, namely first to use PLT to negotiate with protestors, and then to enforce. He agreed that the Freedom Convoy overwhelmed OPS, but stated that there was still a policing solution because other police agencies could assist OPS.

Superintendent Bernier was also concerned by Chief Sloly's decision to publicly announce on February 7 that OPS needed 1800 officers from other police forces. Superintendent Bernier observed that Chief Sloly made this announcement without having developed an overall plan because Chief Sloly only began to attempt to develop such a plan on February 8. Superintendent Bernier was concerned by the announcement for two reasons. First, he stated that it is impossible to determine how many and what types of officers are required and for how long without having first developed an overall plan. He stated that requests for specialist officers such as POU officers should be based on input from subject matter experts. Second, the announcement communicated to protestors that police could not act unless those numbers arrived. He stated that it would have been preferable to brief the public that OPS was taking steps to ensure that it had adequate resources in place to successfully execute its plan.

Superintendent Bernier stated that Chief Sloly publicly notified the existence of an 8-point operational plan. Superintendent Bernier was concerned by Chief Sloly's decision to announce that plan prior to it having even been developed and explained that informing

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[8] OPS00006305 at p. 2.

[9] OPS00008687.

[10] *Id*.

the media of operational planning could jeopardize officer safety or a successful police operation.

Coventry Road Operation

On February 6, Superintendent Bernier became aware that Superintendent Patterson directed POU officers to arrest trucks that were transporting fuel from the Coventry Road site to downtown Ottawa. PLT had attended the site to convince protestors to remove fuel from the site. Following those negotiations trucks transporting fuel left the site and headed downtown to deliver fuel to the downtown protestors. Superintendent Patterson directed POU to arrest those drivers because they were contributing to criminal mischief. Superintendent Bernier observed that OPS was facing significant pressure to lay tickets and charge protestors for transporting fuel when Superintendent Patterson made this decision. He also observed that the decision demoralized PLT because PLT was not aware when it was engaging with the Coventry Road protestors that Superintendent Patterson had POU officers on standby ready to make arrests. Superintendent Bernier noted that this communication problem could have been avoided by forming a command table that included PLT representation.

Rideau-Sussex Operation

On February 7 after 4:00 p.m., Superintendent Patterson informed Superintendent Bernier that OPS was planning to use POU officers to clear the Rideau-Sussex intersection and requested that Superintendent Bernier coordinate the preparation of arrest, traffic, and towing plans for the operation. Superintendent Bernier knew that PLT was attempting to work with the leaders of the Rideau-Sussex protestor group to convince them to move to Wellington St., so he thought that the operation might be cancelled.[11] He continued to work on coordinating the building of plans for the operation on February 8 and ensured that those plans were sent to Patterson for approval. He was concerned that OPS had not considered what impacts the contemplated operation could have, how the protestor group encamped on Wellington St. would respond, and whether OPS had sufficient resources to address a protestor response.

On February 9, Superintendent Bernier learned that Superintendent Patterson wanted the Rideau-Sussex intersection cleared by the evening. That evening, after POU officers had boarded buses to go to the intersection, POU commander Inspector Paul Burnett informed Superintendent Bernier that the operation had been postponed until February 11 at 4:00 a.m. because POU officers were overstretched and there were safety concerns about launching the operation at night. Superintendent Bernier confirmed that based on experience night operations increase risk and are generally not appropriate unless no

[11] *See* OPS00008575.

other options are available. Superintendent Patterson ultimately stood down the operation on February 10 because he lacked the resources required for the operation to succeed.

Superintendent Bernier stated the contemplated Rideau-Sussex operation was a typical example of the lack of proper structure, command, and control that characterized OPS operations up until February 10. He noted that if OPS had been using a command table for operational planning and decision-making, the POU commander and other specialists could have voiced their concerns at an early stage. He stated that these concerns only emerged at a later stage because the command system was disjointed. Superintendent Patterson was operating out of the OPS building at 245 Greenbank Road, while Inspector Burnett was with his POU officers in a different location.

Assessment of Situation as of February 10

During the interview, Superintendent Bernier was shown an excerpt from a February 10 draft demobilization plan prepared by the Integrated Planning Cell of RCMP, OPP, Toronto Police Service, York Regional Police (**YRP**), and Peel Regional Police planners.[12] Section 3.1 of that document described the police response to the Freedom Convoy to date as follows:[13]

[12] OPP00004283.

[13] *Id*. at pp. 3-4.

3.1 Deployment Plan

Current

- Not Intelligence Led
- Participants have the initiative – Have retired police tactical leaders guiding (chief of security)
- Reactive, tactical, aggressive, risk
- Poor communications
    - No communication strategy (internal/external)
- Unclear and vague Command & control
- Unqualified trained leadership
- No or poor partner collaboration
    - Lack of collaboration
        - Strategy
        - Tactical
        - Focused on local issues only – no national perspective
- OPS focus is only maintenance and not resolution
- Boots on the ground
    - Low moral
    - Frustration
    - Lack of leadership/confidence of command- no clear direction
    - Physical & metal – exhausted
        - Poor decision making
        - Longer
    - Information sharing – incomplete and unknown command structure/OP not signed off
- Logistics
    - Hotel, staging, joining instructions/creature comforts Comms Tools/PPE
    - Network sharing
    - Info incomplete - unknown command structure
    - Org Chart not developed
    - Police resources - Not integrated
- Police Vulnerability – Business Continuity

Superintendent Bernier stated he was not aware of this document but that Section 3.1 accurately described what an outsider observing OPS's response to the Freedom Convoy would have perceived. He noted that OPS's command and control system was confusing and unstable due to turnover in command, the reduction of the Incident Commander to an operations chief role, and many people trying to direct different operations. He noted that OPS officers were stretched to the limit, were overworked, and were facing abuse by protestors. He stated that they were demoralized because they were not informed that

there was an overall plan and were not provided clear instructions, such as instructions concerning their authority to seize fuel and what to do with seized fuel. He stated that members in OPS had limited knowledge on what was going on, what was happening next, or who was in charge. He had been informed that Chief Sloly confused members by going down to the OPS parade room and telling members to get out onto the streets to deal with problems. Superintendent Bernier observed that many OPS officers were attempting to do the right thing and come up with solutions, but that they may not have had the proper background and training to do what was needed.

Service as Event Commander between February 10 and Chief Sloly's Resignation

Appointment as Event Commander & Insistence on Autonomy

On the evening of February 10, Acting Deputy Chief Ferguson called Superintendent Bernier, informed him that Superintendent Patterson had been removed as Event Commander, and appointed him as Event Commander. Superintendent Bernier was confident that he had the right experience, knowledge, skills, and abilities to serve as Event Commander and resolve the situation. He told Acting Deputy Chief Ferguson that he accepted the appointment on the condition that his autonomy to make operational decisions would be respected.

Superintendent Bernier insisted on his autonomy because it was integral to the IC model and he had observed that his predecessors as Event Commander did not enjoy that autonomy. He identified two sources of actions leading to confusion with the Event Commander's autonomy: the OPS executive and the corporate communications department. First, as summarized above, he identified the executive team's directive actions, and particularly Chief Sloly's, into operational decision-making as eroding the Event Commander's authority. Second, as summarized above, Superintendent Bernier observed that Chief Sloly and Mr. Steinbachs were controlling OPS's messaging and focusing that messaging on enforcement statistics. Superintendent Bernier stated that it was counter productive for Chief Sloly and Mr. Steinbachs to control messaging as it was the Event Commander's role to direct the messaging to support the success of the operation. Upon taking command, he insisted that Mr. Steinbachs cease enforcement messaging.

Superintendent Bernier created an executive liaison role to ensure that he could make operational decisions without interference from the OPS executive. Superintendent Bernier asked Superintendent Drummond to serve as his executive liaison. Superintendent Bernier stated that Superintendent Drummond's role was to keep the OPS executive at arm's length by relaying Chief Sloly's messages and questions to Superintendent Bernier and relaying Superintendent Bernier's responses back to Chief Sloly or Acting Deputy Chief Ferguson.

February 11: Development of Mission Statement, Formation of Integrated Command Table, Visit to NCRCC, and Meeting with Chief Sloly

On February 11, Superintendent Bernier sequestered himself to develop a mission statement and main action plan. He appointed OPP Inspector Dave Springer, who he had worked with and was his instructor for the OPP CIC course he completed in 2017, as his Deputy Event Commander. He asked Inspector Springer to share with him OPP's mission statements from the Caledonia and Tyendinaga operations so that he could use those templates to develop a mission statement. He explained that the wording in the mission statement was critically important and should embody everything that OPS needed to accomplish so that all officers could understand the mission. By that evening, he developed the following mission statement and main action plan and sent them to OPS general counsel Christine Huneault to review:[14]

> Mission Statement
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> Using an integrated response, the Ottawa Police and policing partners will keep the peace, enforce legislation, maintain public safety for the duration of the Ottawa Truck Demonstration, with the utmost respect to the individuals Charter of Rights and Freedoms with priority on community and emergency services personnel safety & wellbeing.
>
> Main Action Plan
>
> To de-escalate and negotiate a peaceful resolution and demobilization of the Ottawa Truck Demonstration

Superintendent Bernier also organized an integrated event command table (**IECT**) on February 11. The IECT brought together representatives from intelligence, open-source intelligence, PLT, investigations, POU, corporate communications, traffic, frontline, and neighbourhood policing into a single planning and decision-making body under Superintendent Bernier's leadership. Superintendent Bernier created the IECT so that all specialized teams would be privy to information about planning and upcoming operations and could provide input and make recommendations on those operations. By the evening of February 11, Superintendent Bernier had developed an organizational chart that listed each IECT representative. He also sent this chart to Ms. Huneault to review.[15]

Superintendent Bernier observed that OPS should have established an IECT almost immediately upon the Freedom Convoy's arrival in Ottawa. He stated that it became

[14] OPP00002162.

[15] OPP00002162, -2163.

necessary as soon as OPS realized that the Freedom Convoy was escalating from an ordinary demonstration and that protestors intended to stay until their demands were met.

Superintendent Bernier also visited Inspector Lucas at the NCRCC command post to learn what was happening, what personnel were serving at NCRCC, and what their roles were. During the visit, he determined that Inspector Lucas would continue to manage tactical and day-to-day operations at NCRCC while Superintendent Bernier would create an operational-level command to devise a strategy and plan to end the occupation of Ottawa. Superintendent Bernier stated that Inspector Lucas continued to oversee day-to-day operations during his tenure as Event Commander, but at a tactical level rather than an operational level.

After developing a mission statement and forming the IECT, Superintendent Bernier met with Chief Sloly in his executive boardroom on the afternoon of February 11. Superintendent Bernier presented the mission statement, main action plan, and command structure to Chief Sloly. Superintendent Bernier informed Chief Sloly that the meeting was an opportunity for Chief Sloly to provide strategic direction, and that Chief Sloly should communicate to him through the executive liaison going forward.

Cessation of Enforcement Activity and New PLT/Communications Approach

Superintendent Bernier also decided to limit enforcement activity, such as ticketing and fuel seizures. He stated that enforcement was causing his officers to become exhausted and frustrated, was undermining PLT's efforts to engage with protestors, and was not contributing to the successful resolution of the occupation. Accordingly, he paused enforcement and began using PLT and OPS's corporate communications unit to put out messaging to the protestors. Superintendent Bernier stated that his decision to pause enforcement relieved pressure from officers and permitted PLT and corporate communications to do their work. Superintendent Bernier hoped that this change in enforcement approach would have a psychological effect on protestors by conveying that police would be adopting a new posture, which would put protestors on edge.

Superintendent Bernier added an OPS corporate communications representative to the IECT to ensure that messaging from PLT and OPS's corporate communications aligned. Superintendent Bernier stated that he wanted to avoid messaging disconnects, such as messaging from corporate communications that protestors were untrustworthy at a time when PLT was trying to build trust.

Superintendent Bernier directed PLT to start messaging protestors that it was in their best interest to leave. He hoped that PLT could convince protestors to leave, but he continued to prepare for a public order operation if protestors did not leave.

February 12: Encounter with Integrated Planning Team and Afternoon Meeting with Integrated Planning Team and Chief Sloly

On February 12, OPP Chief Superintendent Carson Pardy and RCMP Superintendent Phil Lue phoned Superintendent Bernier and informed him that an OPP-RCMP Integrated Planning Team was in Ottawa to assist. Superintendent Bernier learned from them that the Integrated Planning Team had been in Ottawa since February 8, was based at RCMP's National Operations Centre (**NOC**), and was assisting OPS to develop operational plans. Superintendent Bernier was surprised to learn of the Integrated Planning Team's existence. Superintendent Bernier informed Chief Superintendent Pardy and Superintendent Lue that he had developed a mission statement, main action plan, and IECT and was in the process of developing an operational plan. Chief Superintendent Pardy and Superintendent Lue responded that they were here to help Superintendent Bernier build his plan and that if he told them what he needed in the plan, the Integrated Planning Team's planners would write up the plan. Superintendent Bernier responded that he welcomed the Integrated Planning Team's assistance, but that he needed time to determine what he needed. Chief Superintendent Pardy and Superintendent Lue informed him that they understood.

Following that call, Superintendent Bernier participated in a 3:09 p.m. call with Chief Sloly, Deputy Chief Bell, Acting Deputy Chief Ferguson, OPS general counsel Ms. Huneault, and RCMP and OPP members of the Integrated Planning Team. At the start of the call, Chief Sloly discussed the role of PLT. He demanded that OPP send its PLT program lead, Inspector Marcel Beaudin, to sit on the IECT. Superintendent Bernier had already informed Chief Sloly that OPP PLT officer Giselle Walker would be serving as PLT representative on IECT, and Inspector Springer ultimately appeased Chief Sloly by dialing Inspector Beaudin into the call. Chief Sloly next asked if OPS had integrated its PLT strategy with public order planning, and Superintendent Bernier reminded him that both POU and PLT were members of the IECT.

As the meeting progressed, Superintendent Bernier repeatedly asserted his autonomy as Event Commander and attempted to limit Chief Sloly's interference with that role. For instance, when Chief Sloly attempted to establish timelines for immediate action within the next 24 to 48 hours, Superintendent Bernier responded that he was working with Chief Superintendent Pardy and Superintendent Lue to develop a plan and that they would implement the plan once it was finalized. Later in the meeting, RCMP Sergeant Darwin Tetreault presented his thoughts on strategies to take to address the situation downtown. When Chief Sloly asked Sergeant Tetreault to send documentation on his proposal, Superintendent Bernier interjected and informed Chief Sloly that he had created an IECT and had the people he needed to develop a plan.

Superintendent Bernier also observed that Chief Sloly was tense with his OPS command team during the 3:09 p.m. call. He noted he had not observed this behaviour by previous OPS chiefs.

February 13 Meeting with PLT

On the morning of February 13, Superintendent Bernier met with the OPS and OPP PLT teams. He arranged the meeting because he had heard that the OPS and OPP PLT teams were demoralized and were ready to depart Ottawa. At the meeting, he told them that he was in command and that he had developed a mission statement, main action plan, and objectives. He also reassured them that OPP PLT officer Giselle Walker would be the PLT representative at his IECT, that he saw PLT as part of the solution, and that PLT would have a strong voice in all his decisions. He stated that the OPS and OPP PLT teams responded favourably to his statements.

Impact of Negotiations with the City

On February 13, Superintendent Bernier learned that Mayor Jim Watson planned to meet with protestors to negotiate an agreement whereby some protestors would remove their vehicles from side streets and relocate to Wellington St. Neither the City nor the OPS executive had informed Superintendent Bernier of the negotiation. Superintendent Bernier was concerned. He told Inspector Springer that OPS should stay clear of the negotiation because political influence and political negotiation could adversely impact the police operation that OPS was preparing. He was also concerned that not all protest leaders would agree to move their trucks to Wellington St. and that not all protestors would comply with that agreement. He shared those concerns with the IECT and Superintendent Drummond and told Superintendent Drummond not to get involved. However, Chief Sloly ordered Superintendent Drummond to attend the negotiation as OPS's representative. Superintendent Drummond understood Chief Sloly to be directing that OPS attend the meeting and provide logistical support to the City in the negotiation.

The negotiation took place on February 13 and Superintendent Drummond briefed the OPS executive and Superintendent Bernier on it on the morning of February 14. Superintendent Drummond informed them that only some of the protestor leaders were participating in the negotiation and that the agreement was that protestors would remove vehicles from side streets if the City permitted them to move vehicles on to Wellington St.

Superintendent Bernier stated that the negotiation and its implementation ran contrary to PLT's messaging and undermined PLT's role. Before learning of the negotiation, Superintendent Bernier had created an egress route to Highway 417 for protestors seeking to leave the downtown core and had asked PLT to engage with protestors to inform protestors wishing to leave to follow that egress route. The negotiation undermined PLT's efforts to convince protestors to leave the downtown core by concentrating additional protestors in the downtown core. Further, because Superintendent Drummond participated in the negotiation, protestors informed PLT that they did not want to speak with PLT and instead preferred to speak to Superintendent Drummond.

Superintendent Bernier stated that the negotiation did not lead to a successful outcome. To Superintendent Bernier's knowledge, only 36 protestor vehicles moved from the side streets to Wellington St., but in some cases other protestor vehicles took their place. The

negotiation also did not help OPS remove vehicles from side streets because OPS lacked the officers, tow trucks, and resources required to clear side streets at the time.

Development of February 13 Plan & Planning for Public Order Operations and Towing

On February 13, the Integrated Planning Team prepared a plan for Superintendent Bernier titled "Integrated Mobilization Operational Plan" (the **February 13 Plan**).[16] Superintendent Bernier stated that this plan was the product of his conversation on February 12 with Chief Superintendent Pardy and Superintendent Lue. He described its aim to formally establish that OPS was operating under an integrated command model. He noted that the February 13 Plan was not the overall operational plan and did not contain a plan to end the occupation of Ottawa. The overall operational plan was still being prepared. Superintendent Bernier signed the February 13 Plan on February 13 and told Chief Superintendent Pardy and Superintendent Lue that the plan was ready to implement.

Superintendent Bernier also spent considerable time engaging with Inspector Springer and his public order commanders on February 12-13 to discuss public order and towing plans. He told Inspector Springer that the overall plan needed to be sustainable and incorporate robust towing and public order plans. He observed that OPS was in crisis and needed time to stabilize itself and the situation while additional resources arrived, an overall plan was developed, and PLT engagement and communications messaging occurred. He noted that on February 12-13 a high-level concept of operations was evolving, subject matter experts were working on developing solutions to feed into the plan, and he was attempting to determine how many and what type of resources were required. He noted that subject matter experts came from OPS, RCMP, OPP, and municipal police forces such as YRP.

Superintendent Bernier stated that OPP led the development of a towing plan and secured trucks and drivers on February 12-13. OPP officer Kurt Richardson, who worked in OPP's commercial vehicle inspection unit, had a network of towing companies that OPP had worked with across the province. Richardson developed a robust towing plan and assembled trucks and drivers between February 12 and 13. By February 13, Richardson had assembled 34 tow trucks and willing drivers. Superintendent Bernier noted that OPP and OPS did not compel any towing companies or drivers to provide their services or vehicles.

Relocation of Command Post to National Operations Centre & Creation of Unified Command

On February 14, Superintendent Bernier decided to relocate his command post to the NOC at RCMP National Headquarters at 73 Leikin Drive. The NOC is a RCMP facility

[16] OPP00001851.

similar to the OPS Command Centre that permits RCMP to supervise operations across Canada. Inspector Springer proposed moving the command post to the NOC to improve integrated command and planning so that Superintendent Bernier was in the same physical space as the RCMP and OPP staff responsible for planning, staffing, and logistics. Superintendent Bernier visited RCMP National Headquarters on February 14 to evaluate whether to relocate his command post there and met Chief Superintendent Pardy and Superintendent Lue there in person for the first time. He characterized their conversation as productive and that he and they shared the same vision of developing an overall plan and resolving the occupation of Ottawa. After his discussion with them, he decided to shift his command post to the NOC. Inspector Lucas remained based at NCRCC. Superintendent Bernier appointed an operations chief to stay in communication with and provide updates from Inspector Lucas to ensure that Superintendent Bernier retained situational awareness.

During his discussion with Chief Superintendent Pardy and Superintendent Lue at RCMP National Headquarters, Superintendent Bernier learned that an OPS-RCMP-OPP unified command was emerging at the strategic level and that Acting Deputy Chief Ferguson, RCMP Deputy Commissioner Michael Duheme, and OPP Deputy Commissioner Chris Harkins had formed a strategic level group that he would report to. Superintendent Bernier was in favour of the decision to establish unified command at the strategic level.

Superintendent Bernier established unified command at the operational level after he learned on February 14 that OPS, RCMP, and OPP had established unified command at the strategic level. Before unified command was established, Superintendent Bernier stated that an integrated command existed. Superintendent Bernier was the overall commander, but he integrated different specialty teams and OPP and RCMP into his command team through the IECT. After unified command was established, Inspector Springer (OPP) and Superintendent Lue (RCMP) became overall commanders with Superintendent Bernier (OPS) where they and Superintendent Bernier made all operational decisions jointly. Superintendent Bernier observed that he remained the lead commander within the unified command because OPP and RCMP respected that OPS was the police service of jurisdiction.

Interference by Chief Sloly with Superintendent Bernier's Autonomy

After his appointment as Event Commander, Superintendent Bernier attempted to distance himself from Chief Sloly so that he had space to devise an operational plan and make operational decisions. Rather than engage directly with Chief Sloly, Superintendent Bernier liaised with the strategic-level group that Acting Deputy Chief Ferguson, Deputy Commissioner Duheme, and Deputy Commissioner Harkins had formed.

Nonetheless, Superintendent Bernier observed that Chief Sloly continued to attempt to be involved with operations between February 12-15. Superintendent Bernier stated that Chief Sloly was acting behind the scenes and outside of the IC model to attempt to direct operations, including by prioritizing enforcement and attempting to close interprovincial bridges. Superintendent Bernier stated that, as executive liaison, Superintendent

Drummond liaised with Chief Sloly and informed Superintendent Bernier of Chief Sloly's attempts to direct operations. Superintendent Bernier notified Acting Deputy Chief Ferguson of these attempts and told her to talk to Chief Sloly and get him to stop.

On February 14, Superintendent Bernier learned that Chief Sloly wanted Ms. Huneault, the OPS general counsel, to review the February 13 Plan, and that Chief Sloly wanted to approve the plan after Ms. Huneault's review. Superintendent Bernier was frustrated by Chief Sloly's direction, which he viewed as an inappropriate interference with his role as Event Commander. Superintendent Bernier also observed that Chief Sloly was happy with the February 9 Plan, and that it may have been challenging for him to accept the February 13 Plan because it threw the February 9 Plan out the window. Superintendent Bernier still allowed Chief Sloly to have time to review the plan out of respect for his position as Chief. He did not ask Chief Sloly to leave him alone. Chief Sloly did not communicate to Superintendent Bernier that he approved the February 13 Plan or that Superintendent Bernier should proceed to action that plan before Chief Sloly resigned on February 15.

Superintendent Bernier did not know if OPP was concerned that Chief Sloly had not approved the February 13 Plan. However, by February 13 Superintendent Bernier had become aware that OPP was frustrated by their general interactions with Chief Sloly, which were not smooth.

Service as Event Commander after Chief Sloly's February 15 Resignation

Chief Sloly's Resignation and Conversation with Interim Chief Bell

On February 15, Superintendent Bernier learned that Chief Sloly had resigned. Superintendent Bernier told his team that Chief Sloly's resignation did not change anything and that they should continue to move forward with implementing the February 13 Plan and developing the overall operational plan.

Interim Chief Bell spoke with Superintendent Bernier on February 15 after Interim Chief Bell was promoted that position from Deputy Chief. Interim Chief Bell told Superintendent Bernier that he had confidence in the February 13 Plan and that Superintendent Bernier should proceed to implement it. Interim Chief Bell also told Superintendent Bernier that he would not impede what Superintendent Bernier was doing, that he would ensure that public-facing communications were consistent with Superintendent Bernier's plan and messaging strategy, and that he would not overstep his role under the IC model. Superintendent Bernier stated that, unlike Chief Sloly, Interim Chief Bell never interfered with his autonomy as Event Commander.

Development and Approval of February 17 Plan

On February 17, Superintendent Bernier, Inspector Springer, and Superintendent Lue approved the overall operational plan, which was titled "Integrated Phased Approach" (the

February 17 Plan).[17] The Integrated Planning Team developed this plan after Superintendent Bernier briefed Chief Superintendent Pardy, OPP Emergency Manager Brad Taylor, and the rest of the Integrated Planning Team on February 14 or 15 and told them what he needed to see in the plan. The February 17 Plan was accompanied by other supporting plans, such as tactical, public order, traffic, towing, investigations, and arrest plans. Superintendent Bernier, Inspector Springer, and Superintendent Lue also approved these supporting plans by February 17.

The February 17 Plan outlined four operational phases: (1) stabilization, (2) actions on, (3) maintenance, and (4) demobilization. Superintendent Bernier stated that he described these phases to Chief Superintendent Pardy and Mr. Taylor on February 14 or 15, told them that the phases were his concept of operations, and asked them to build the four phases into the overall plan.

During the first phase – stabilization – OPS was to secure the assistance of other police services, ensure OPS officers got necessary time to rest, ensuring effective policing in the remainder of the City, adopt proper strategies such as putting an end to enforcement operations, create clear and consistent communication to protestors, allow PLT to make all efforts of negotiation, build plans, and acquire specialty resources including 14 POU units, multiple tactical teams, and tow trucks. The second phase of the plan – "actions on" – involved a slow, methodical and kinetic action to remove the unlawful occupation which involved constant and clear messaging, allowing those to leave who chose to at this time, arresting noncompliant protestors, and towing their vehicles. The goal was to secure the entire core and clear all protestors. The third phase – maintenance – involved maintaining the core free of unlawful occupation and illegal activity, rehabilitating the affected area, and supporting the reopening of business and lawful movement of people. Finally, demobilization involved returning the City to a state of normalcy, demobilizing all resources from the operation, and turning operations back over to regular OPS operations.

Superintendent Bernier stated that by February 17, he had received all the officers that he required to implement the February 17 Plan. He requested 14 POUs and received 17, three more than he asked for. He also received multiple tactical units and SWAT teams to support the POU teams, along with traffic officers to staff checkpoints and close highway off-ramps.

Impact of Federal and Provincial Emergency Declarations

On February 11, the Premier of Ontario declared a province-wide emergency under the *Emergency Management and Civil Protection Act* (**EMCPA**). Three days later, on

[17] OPS00013798.

February 14, the federal government declared a public order emergency under the *Emergencies Act*.

Superintendent Bernier stated that the February 13 Plan did not rely on powers granted under the EMCPA and that the federal emergency declaration did not significant impact his planning process. Superintendent Bernier did not know that the federal government was going to declare a public order emergency on February 13 and he stated that he would have carried out the police operation whether or not the federal government declared a public order emergency. While the EMCPA was in effect, Superintendent Bernier determined that it was unnecessary to rely on it because OPS already had sufficient authorities under common law, municipal by-laws, and provincial and federal statutes. He noted that the *Criminal Code* and common law authorize police to control access to an area during an ongoing police operation and that the *Highway Traffic Act* permits police to seize and tow vehicles that are abandoned or are obstructing roadways. He observed that, while some of the powers granted under the EMCPA and the *Emergencies Act* permitted police to impose higher fines, he had already determined that fining protestors was not contributing to the success of the mission.

Superintendent Bernier stated that he did not need to rely on powers granted under the *Emergencies Act* to compel towing companies to supply trucks or drivers to the police. He stated that this was unnecessary because by February 13 OPP had assembled 34 tow trucks with willing drivers. He noted that police guaranteed the companies and drivers anonymity, and placed police crests on the trucks and covered company markings to ensure anonymity. He stated that he had no knowledge of whether the power granted under the *Emergencies Act* to compel towing companies to assist, protected those companies and their drivers from being blamed by protestors and protestor sympathizers for assisting police.

Superintendent Bernier stated that during his team's planning, he relied on common law powers to propose an exclusion zone in downtown Ottawa and that the powers granted under the *Emergency Measures Regulations* did not significantly affect this posture. He was planning to create an exclusion zone before the federal government declared a public order emergency. He understood police to have common law authority to create an exclusion zone during an ongoing police operation, but only for as long as necessary and only if police reduced the size of or eliminated the area as soon as practicable.

After the federal emergency declaration, Superintendent Bernier explored whether designating downtown Ottawa as a protected place under the *Emergency Measures Regulations* would be a better option than relying on common law authorities. Chief Superintendent Pardy informed him that the federal Minister of Public Safety, Marco Mendicino, was willing to approve a designated exclusion zone in downtown Ottawa. Superintendent Bernier conducted a tabletop exercise with Ministry of Public Safety staff to indicate what the exclusion area would look like. After the meeting, he was informed that Minister Mendicino decided that it was unnecessary to designate downtown Ottawa as a protected place and that the Minister did not want to designate a specific area in case police changed their plan. The *Emergencies Act,* in his interpretation, allowed for

the police to determine the exclusion area on an as needed basis. Superintendent Bernier supported the Minister's decision. He noted that powers granted under the *Emergencies Act* did cause police to be more willing to ask people entering the exclusion zone where they were going, but that police continued to permit people to enter the exclusion zone for lawful purposes. The *Emergencies Act* permitted the police to adopt a much stronger posture at exclusion zone checkpoints, and clarified the police's authority to create the exclusion zones.

Superintendent Bernier acknowledged that the federal emergency declaration may have convinced protestors to stay away from downtown Ottawa and be more compliant with police by conveying to them that the federal government meant business. He noted that the federal emergency declaration likely helped police complete the operation with less pressure from protestors.